

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

UNITED STATE OF AMERICA,

Plaintiff,

v.

**CLARK ALAN ROBERTS, and
SEAN EDWARD HOWLEY,**

Defendant.

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**Case No. 3:08-cr-175
JUDGE PHILLIPS/SHIRLEY**

**REPLY TO UNITED STATES' OPPOSITION
TO DEFENDANT HOWLEY'S MOTION TO SUPPRESS**

Comes the Defendant, Sean Edward Howley, by and through counsel, Douglas A. Trant, to reply to the United States' Opposition to his Motion to Suppress. The Government completely disregards the most compelling part of his Motion, that is – Mr. Howley's cell phone was seized from his person. The search warrant did not authorize any search of Mr. Howley's person. There is also no question that Mr. Howley has standing to challenge any search of his person.

For the foregoing reasons, it is appropriate that the Court grant the Motion to Suppress the seizure of the cell phone from Mr. Howley's person without further argument. The Government essentially has conceded this issue by failing to address it.

Respectfully submitted,

 /s/ Douglas A. Trant
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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2009, the foregoing Reply to the United States' Opposition to Defendant Howley's Motion to Suppress was filed electronically. Notice of this filing was sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ Douglas A. Trant
DOUGLAS A. TRANT